THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No. 27092 OF 2005

21-12-2005

Between:

M/s.Radha Tea Co., Vijayawada, rep. by its Proprietor.

……Petitioner

And

The Additional Commissioner of Commercial Taxes (Legal), O/o.The Commissioner of Commercial Taxes, Nampally, Hyderabad & Others.

……..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

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ORDER : (Per Hon'ble Sri Bilal Nazki, J)

Heard learned counsel for the parties. With their consent, the

writ petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the disputed liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

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(BILAL NAZKI, J)

21st December 2005

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(S.ANANDA REDDY, J)

ajr